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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

THE STATE OF ARIZONA, Plaintiff, vs. **PHILLIP THOMAS DELANEY,** Defendant.	CAUSE NO. S1300CR202500879 HONORABLE KRISTA CARMAN DIVISION 4 **DEFENDANT'S REQUESTED JURY INSTRUCTIONS**

Comes Now Defendant, by and through counsel undersigned and requests the following jury instructions:

<u>Standard Criminal (RAJI 6th)</u>

5a - Presumption of Innocence

The law does not require a defendant to prove innocence. Every defendant is presumed by law to be innocent. You must start with the presumption that the defendant is innocent.

5b(2) - Standards for the Burden of Proof

There are three standards for the burden of proof: 1. Preponderance of the evidence; 2. Clear and convincing evidence; 3. Beyond a reasonable doubt. Preponderance of the Evidence – A party having the burden of proof by a preponderance of the evidence must persuade you, by the evidence, that the claim or a fact is more probably true than not true. This means the evidence that favors that

party outweighs the opposing evidence. Clear and Convincing Evidence – A party having the burden of proof by clear and convincing evidence must persuade you, by the evidence, that the claim or a fact is highly probable. This standard is higher than the standard for proof by a preponderance of the evidence, but is lower than the standard for proof beyond a reasonable doubt. Beyond a Reasonable Doubt – The State has the burden of proving the defendant guilty beyond a reasonable doubt. This means the State must prove each element of each charge beyond a reasonable doubt. Proof beyond a reasonable doubt is proof, by the evidence that leaves you firmly convinced of the defendant's guilt. This standard is higher than the standard for either proof by a preponderance of the evidence or proof by clear and convincing evidence. There are very few things in this world that we know with absolute certainty, and in criminal cases the law does not require proof that overcomes every doubt. If, based on your consideration of the evidence, you are firmly convinced that the defendant is guilty of the crime charged, you must find [him][her] guilty. If, on the other hand, you think there is a real possibility that [he][she] is not guilty, you must give [him][her] the benefit of the doubt and find [him][her] not guilty.

6 - Voluntariness of Defendant's Statements

You must not consider any statements made by the defendant to a law enforcement officer unless you determine beyond a reasonable doubt that the defendant made the statements voluntarily. A defendant's statement was not voluntary if it resulted from the defendant's will being overcome by a law enforcement officer's use of any sort of violence, coercion, or threats, or by any direct or implied promise, however slight. You must give such weight to the defendant's statement as you feel it deserves under all the circumstances.

15 – Defendant Need Not Testify

The State must prove guilt beyond a reasonable doubt based on the evidence. You must not conclude that the defendant is likely to be guilty because the defendant did not testify. The

defendant is not required to testify. The decision on whether or not to testify is left to the defendant acting with the advice of an attorney. You must not let this choice affect your deliberations in any way.

16 – Evidence of Any Kind

The State must prove guilt beyond a reasonable doubt based on the evidence. The defendant is not required to produce evidence of any kind. The defendant's decision not to produce any evidence is not evidence of guilt.

18 - Credibility of Witnesses

In deciding the facts of this case, you should consider what testimony to accept, and what to reject. You may accept everything a witness says, or part of it, or none of it. In evaluating testimony, you should use the tests for truthfulness that people use in determining matters of importance in everyday life, including such factors as: the witness's ability to see or hear or know the things the witness testified to; the quality of the witness's memory; the witness's manner while testifying; whether the witness had any motive, bias, or prejudice; whether the witness was contradicted by anything the witness said or wrote before trial, or by other evidence; and the reasonableness of the witness's testimony when considered in the light of the other evidence. Consider all of the evidence in the light of reason, common sense, and experience.

21 – Indictment is Not Evidence

The State has charged the defendant with [a crime] [certain crimes]. A charge is not evidence against the defendant. You must not think that the defendant is guilty just because of a charge. The defendant has pled "not guilty." This plea of "not guilty" means that the State must prove each element of the charge[s] beyond a reasonable doubt.

34 – Testimony of Law Enforcement Officer

The testimony of a law enforcement officer is not entitled to any greater or lesser importance or believability merely because of the fact that the witness is a law enforcement officer. You are to consider the testimony of a police officer just as you would the testimony of any other witness.

36 – Defendant's Testimony

You must evaluate the defendant's testimony the same as any witness' testimony.

Statutory Criminal

1.0510(a)(1) - Definition of Intentionally or With Intent to

"Intentionally" [or "with intent to"] as used in these instructions means that a defendant's objective is to cause that result or to engage in that conduct.

1.0510(a)(2) - Intent – Inference

Intent may be inferred from all the facts and circumstances disclosed by the evidence. It need not be established exclusively by direct sensory proof. The existence of intent is one of the questions of fact for your determination.

1.0510(b) - Definition of Knowingly

"Knowingly" means that a defendant acted with awareness of [or belief in] the existence of conduct or circumstances constituting an offense. It does not mean that a defendant must have known the conduct is forbidden by law.

1.0510.01 - Included Mental State – Knowingly

If the State is required to prove that the defendant acted "knowingly," that requirement is satisfied if the State proves that the defendant acted "intentionally."

1.0510(c) - Definition of Recklessly (Reckless Disregard)

"Recklessly [reckless disregard] _____" means that a defendant is aware of and consciously disregards a substantial and unjustifiable risk that conduct will result in . The risk must be of such

nature and degree that disregarding it is a gross deviation from what a reasonable person would do in the situation.

4.03 - Justification – Use of Physical Force

A defendant is justified in using physical force as follows:

The use or threat of [physical force] [deadly physical force] is justified only while the apparent danger continues, and it ends when the apparent danger ends. The force used may not be greater than reasonably necessary to defend against the apparent danger.

The use of [physical force] [deadly physical force] is justified if a reasonable person in the situation would have reasonably believed that immediate physical danger appeared to be present. Actual danger is not necessary to justify the use of physical force or deadly physical force.

The State has the burden of proving beyond a reasonable doubt that the defendant did not act with such justification. If the State fails to carry this burden, then you must find the defendant not guilty of the charge.

4.04 - Justification for Self Defense

A defendant is justified in using or threatening physical force in self-defense if the following two conditions existed:

1. A reasonable person in the situation would have believed that physical force was immediately necessary to protect against another's use or apparent attempted or threatened use of unlawful physical force; and

2. The defendant used or threatened no more physical force than would have appeared necessary to a reasonable person in the situation.

A defendant may use deadly physical force in self-defense only to protect against another's use or apparent attempted or threatened use of deadly physical force.

Self-defense justifies the use or threat of physical force or deadly physical force only

while the apparent danger continues, and it ends when the apparent danger ends. The force used may not be greater than reasonably necessary to defend against the apparent danger. The use of physical force is justified if a reasonable person in the situation would have reasonably believed that immediate physical danger appeared to be present. Actual danger is not necessary to justify the use of physical force in self-defense.

12.03 – Assault

The crime of assault requires the proof that the defendant:

1. [Intentionally/knowingly/recklessly] caused a physical injury to another person; or

2. Intentionally put another person in reasonable apprehension of imminent physical injury; or

3. Knowingly touched another person with the intent to injure, insult, or provoke that person.

12.04 – Aggravated Assault

The crime of aggravated assault requires proof of the following:

1. The defendant committed an assault, and

2. The assault was aggravated by at least one of the following factors:

The defendant caused serious physical injury to another person.

13.105 –Intentionally

"Intentionally" or "with the intent to" means, with respect to a result or to conduct described by a statute defining an offense, that a person's objective is to cause that result or to engage in that

29.04 - Disorderly Conduct

The crime of disorderly conduct requires proof that the defendant knowingly or intentionally disturbed the peace or quiet of a [neighborhood] [family] [person] by engaging in fighting, violent or seriously disruptive behavior.

Respectfully submitted this 9th day of July, 2026.

By: _____
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Attorney for Defendant

Original of this document emailed this date to:
Division 4 of the Superior Court

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